



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,510	05/04/2001	Xi Li	SAVI-001	8687

758 7590 10/31/2005

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

EXAMINER

BORISSOV, IGOR N

ART UNIT PAPER NUMBER

3639

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,510

Applicant(s)

LI ET AL.

Examiner

Igor Borissov

Art Unit

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15-29 and 31-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-29 and 31-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3639

DETAILED ACTION

Response to Amendment

Amendment received on 8/24/2005 is acknowledged and entered. Claims 14 and 30 have previously been canceled. Claim 51 has been amended. Claims 1-13, 15-29 and 31-51 are currently pending in the application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-32, 45, 46 and 49-51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 17, 45 and 46 recite the limitation "marking the location of one of the goods". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13, 15-29 and 31-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald (US 6,211,781) in view of Wiederin et al. (US 2002/0029178).

Claims 1, 17, 45 and 46:

McDonald-discloses a method including:

Art Unit: 3639

affixing a tag to each good to be tracked and to each conveyance used to store or carry the goods (see Figs. 1-2 for example);

marking the location of one of the goods at a data appliance and storing information on the location at a site server coupled to the data appliance (see Figs. 1-2, 4-5 and the descriptions thereof);

uploading the location information to a data center, the data center coupled to the site server (see generally Figs. and col. 11, line 61 - col. 12, line 3); and

compensating for missing information by using a previous tag read and a current tag read (see Claim 1, for example).

However, McDonald does not expressly disclose the method including: charging a user a fee to access (view reports) said data center, said fee dependent on the number of reports viewed by said user.

Weiderin et al. teaches a method and system for charging on-line directory assistance services, wherein a user accesses the required information (a directory listing) from a system server via a user's web-enabled device, and wherein said system is configured to track a number of directory listings that are accessed by the user, and prepare billing information based upon the number of accessed directory listing [0013]; [0014].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify McDonald to include charging a user a fee to access (view reports) said data center, wherein said fee dependent on the number of reports viewed by said user, as disclosed in Weiderin, because it would advantageously allow to collect funds to recoup some costs of operating said system. Specifically, as disclosed in Weiderin, said billing arrangement advantageously creates a lucrative revenue stream for the service provider while reducing the cost of providing said services to the users [0081].

Claims 2, 18, 47: The modified McDonald further discloses the method including:

Art Unit: 3639

aggregating one or more of the goods into a conveyance at a data point and wherein the marking includes indicating an aggregation event occurred at the data point (see Supra Figs. and Claims in McDonald).

Claims 3, 19, 48: The modified McDonald further discloses the method, wherein the marking further includes performing aggregation-by-interference, wherein an aggregation event occurring at the location for a conveyance automatically indicates that the conveyance has been completely filled with items (Id.).

Claims 4, 20: The modified McDonald further discloses the method including performing de-aggregation-by-interference at a second data point, wherein a de-aggregation event indicating that all items have been removed from the conveyance is generated (see Supra Figs.).

Claims 5, 21: The modified McDonald further discloses the method, wherein the tag affixed to the one of the goods is a RFID tag and the marking includes scanning the tag affixed to the one of the goods (see Supra Figs. in McDonald).

Claims 6, 22: The modified McDonald further discloses the method, wherein one of the goods is stored in one of the conveyance, the marking includes scanning the tag affixed to one of the conveyance using a reader (Id.).

Claims 7, 23: The modified McDonald further discloses the method, wherein the marking includes scanning a tag using a tag reader (see Supra tag reader in McDonald).

Claims 8, 24: The modified McDonald further discloses the method, wherein the tag reader is coupled to a data appliance (see Supra Figs. in McDonald).

Claims 9, 25: The modified McDonald further discloses the method, wherein the tag reader is part of a data appliance (Id.).

Claims 10, 26: The modified McDonald further discloses the method, wherein the marking includes tracking the goods using GPS (see Supra Figs. in McDonald).

Claims 11, 27: The modified McDonald further discloses the method, wherein the storing utilizes the UDAP to communicate the location information from the data appliance to the site server (see Fig. 6 in McDonald, for example).

Art Unit: 3639

Claims 12, 28: The modified McDonald further discloses the method including accessing the data center and viewing the reports (Id.).

Claims 13, 29: The modified McDonald further discloses the method including aggregating a good into a conveyance when the good is loaded into the conveyance and de-aggregating the good from the conveyance when the good is unloaded from the conveyance (see Supra).

Claims 15, 31: The modified McDonald further discloses the method, wherein the compensating includes detecting that a missing tag read occurred by learning that a tag read was made on the good at a first location and at a third location, but not at a second location, wherein the good could not arrive at the third location without first passing through the second location (see Fig. 1 and the description thereof in McDonald); and

Claim 16, 32: The modified McDonald further discloses the method including filtering out any duplicative tag reads (see Supra).

Claim 49: The modified McDonald further discloses the method, wherein the compensating includes compensating for missing information about a good by using aggregation information derived from a previous tag read with and a current tag read to create a missing tag read for the good (see Claim 1).

Claim 50: The modified McDonald further discloses the method, wherein the compensating includes compensating for missing information about a second location by using location information from a previous tag read at a first location with location information from a current tag read at a third location to create a missing tag read for the good at the second location (see Id.).

Claim 51: The modified McDonald further discloses the method including: receiving the missing information subsequent to the compensating; and replacing the compensation information with the missing information (see Id.).

Claims 33, 36, 39 and 42: McDonald discloses a system including:

a data center (see Figs. 1-2, 4) including compensation logic compensating for missing information by using a previous tag read and a current tag read (see Supra Claim 1);

one or more site servers coupled to the data center (see Id.); and
one or more tags (see Fig. 2), each of the tags affixed to a good or conveyance.

However, McDonald does not specifically teach that users are charged a fee to access (view reports) said data center, said fee dependent on the number of reports viewed by said user.

Weiderin et al. teaches said system for charging on-line directory assistance services, wherein a user accesses the required information (a directory listing) from a system server via a user's web-enabled device, and wherein said system is configured to track a number of directory listings that are accessed by the user, and prepare billing information based upon the number of accessed directory listing [0013]; [0014].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify McDonald to include charging a user a fee to access (view reports) said data center, wherein said fee dependent on the number of reports viewed by said user, as disclosed in Weiderin, because it would advantageously allow to collect funds to recoup some costs of operating said system. Specifically, as disclosed in Weiderin, said billing arrangement advantageously creates a lucrative revenue stream for the service provider while reducing the cost of providing said services to the users [0081].

Claims 34-35, 37-38, 40-41 and 43-44: The modified McDonald further discloses the system, wherein the tags and tags readers both utilize RFID technology (see abstract, Claims and Figs of McDonald); and

an Intransit Data Appliance and an Enterprise server, the enterprise server coupled to the data center and the IDA coupled to the enterprise server to transmit of data on the location of a good or conveyance using GPS (see Supra Figs. and Claims of McDonald).

Response to Arguments

Applicant's arguments with respect to Claims 1-13, 15-29 and 31-51 have been considered but are moot in view of the new ground(s) of rejection.

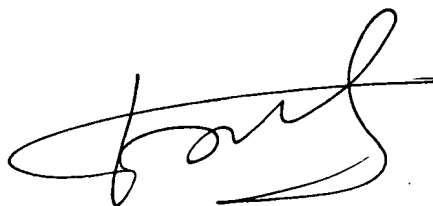
Art Unit: 3639

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Igor Borissov
Patent Examiner
Art Unit 3639

A handwritten signature in black ink, appearing to read 'Igor Borissov', is written over a horizontal line.

IB

7/27/2005